

# United States District Court

for

District of South Carolina

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## Request for Modifying the Conditions or Term of Supervision with Consent of the Offender (Probation Form 49, Waiver of Hearing is Attached)

**Name of Offender:** Brian Keith Perdue

**Case Number:** 4:15CR00868-002RBH

**Name of Sentencing Judicial Officer:** The Honorable R. Bryan Harwell, United States District Judge

**Date of Original Sentence:** April 10, 2017

**Original Offense:** Conspiracy to Commit Application Fraud, in violation of 18 U.S.C. § 371

**Original Sentence:** The defendant was sentenced to 5 years' probation with the following special conditions: (1) The defendant shall not open additional lines of credit without the approval of the U.S. Probation Office; (2) The defendant shall be placed on home detention with electronic monitoring for the first 12 months of supervision and make co-payments towards this expense not to exceed an amount determined reasonable by the court approved "U.S. Probation Offices' Sliding Scale for Services"; (3) The defendant shall pay restitution in the amount of \$886,749.02, joint and several with codefendant Michael Lane Prevete, at a rate of not less than \$1,500.00 per month beginning 30 days after sentencing; and (4) The defendant shall pay a mandatory \$100.00 special assessment fee (satisfied on August 4, 2017).

**Type of Supervision:** Probation

**Date Supervision Commenced:** April 10, 2017

**Previous Court Action/Notification(s):** None

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## PETITIONING THE COURT

To extend the term of supervision for \_\_\_\_\_ years, for a total term of \_\_\_\_\_ years.

To modify the conditions of supervision as follows:

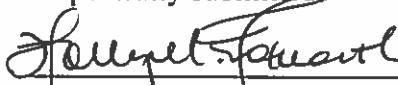
Reduction of monthly restitution payments from \$1,500.00 per month to \$300.00 per month.

**CAUSE**

On April 10, 2017, Mr. Perdue began his term of probation in the Eastern District of Virginia. Following his sentence, Mr. Perdue has completed his term of home confinement, maintained a stable residence with his spouse, and remains employed with Dick's Sporting Goods. His special assessment has been paid in full and he has incurred no additional arrests or citations. His supervising officer conducted financial investigations in both August 2017, and February 2018, when he became aware that Mr. Perdue was only paying \$300.00 per month towards his restitution obligation. To date, Mr. Perdue should have paid \$21,000.00 in restitution; however, he has only paid \$2,900.00 towards this obligation. His restitution obligation is presently \$18,100.00 in arrears, with a balance of \$883,849.02. Based on his financial investigations, the supervising officer in the Eastern District of Virginia believes the defendant can only afford to pay \$300.00 per month at this time. Therefore, the U.S. Probation Office respectfully requests that the Court hold the violation in abeyance and grant the modification as noted above. The Court will be informed of any additional violations.

Respectfully submitted,

By:

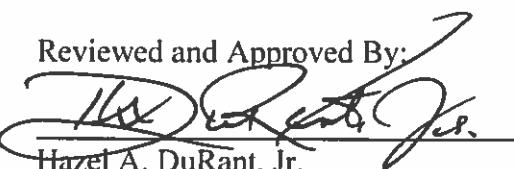


Holly M. Foxworth

Senior U.S. Probation Officer

Date: June 11, 2018

Reviewed and Approved By:

  
Hazel A. DuRant, Jr.

Asst. Deputy Chief U.S. Probation Officer

**THE COURT ORDERS:**

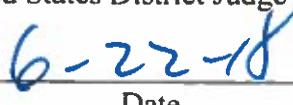

No action.

The extension of supervision as noted above.

The modification of conditions as noted above.

Other

  
R. Bryan Harwell  
United States District Judge

  
6-22-18

Date